

### REMARKS

This is a full and timely response to the final Office Action mailed August 29, 2003 (Paper No. 8). Reexamination and reconsideration in light of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-33 remain pending in the application, with Claims 1, 19, and 27 being the independent claims. Claims 1, 19, and 27 have been amended herein to more clearly indicate that the capture initiation attribute differs from the current attribute (e.g., the capture initiation altitude differs from the current aircraft altitude). Thus, the only feature being surrendered by the present claim amendments, which is allegedly disclosed in the prior art, is that the capture initiation attribute is the same as the current attribute. No new matter is believed to have been added.

Before proceeding with the merits of the Office Action, Applicants' representative wishes to thank Examiner Swarthout for conducting a telephonic interview on Wednesday, November 26, 2003, with the undersigned and one of the co-inventors of the instant application (Mr. Lance Sherry). Examiner Swarthout was extremely helpful, cooperative, and highly professional throughout the interview process. His professional conduct should be commended.

#### Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 5, 10-17, 29, and 30 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly not being enabled by the specification. Specifically, the Office Action alleges that the specification does not enable displaying first and last capture initiation positions. During the above-noted interview, it was agreed that the specification does indeed enable these claims, and this rejection was moot.

Hence, Applicants respectfully request reconsideration and withdrawal of the § 112, first paragraph rejection.

#### Rejections Under 35 U.S.C. § 102(e)

Claims 1-4, 6, 19-28, and 31-33 were rejected under 35 U.S.C. § 102 (e) as allegedly being anticipated by U.S. Patent No. 6,441,751 (Berlioz et al.). This rejection is respectfully traversed, at least in light of the foregoing amendments.

Independent Claim 1 relates to a method for providing information to a pilot of a vehicle via a display that includes indicating a current attribute of the vehicle, receiving a target attribute, determining a first capture attribute, and displaying the first capture attribute and the current attribute of the vehicle, and recites, *inter alia*, said first capture initiation attribute differing from said current attribute.

Independent Claim 19 relates to a method for providing feedback that includes providing an altitude tape, and displaying thereon a current aircraft altitude, a target indicator representative of a target altitude, and a path capture trajectory relative to the current aircraft altitude and corresponding to the target indicator, and recites, *inter alia*, said path capture trajectory including at least a first capture initiation altitude that differs from said current aircraft altitude.

And, independent Claim 27 relates to a display for an aircraft that includes a sliding scale altitude indicator that displays a target altitude and a current altitude, and a capture region indicator on the sliding scale altitude indicator, and recites, *inter alia*, said capture region indicator including at least an altitude, different from said current altitude, for initiating a capture of said target altitude.

Berlioz et al. relates to an aircraft altitude and vertical speed indicator (1A, 1B) that simultaneously displays aircraft altitude (8, 9), a target aircraft altitude (14), a vertical speed (11), and a target vertical speed (15A, 15B). The indicators are positioned in the indicator (1A, 1B) in such a way that a target trajectory is obtained when the vertical speed indicator (11) is aligned with the target vertical speed indicator (15A, 15B), and when the aircraft altitude indicator (9) is aligned with the target aircraft altitude indicator (14).

During the above-referenced interview, it was agreed that Berlioz et al. fails to disclose or suggest at least the above-noted features of independent Claims 1, 19, and 27. Namely, Berlioz et al. fails to disclose or suggest at least: (i) said first capture initiation attribute differing from said current attribute, as recited in independent Claim 1; (ii) said path capture trajectory including at least a first capture initiation altitude that differs from said current aircraft altitude, as recited in independent Claim 19; and, (iii) said capture region indicator including at least an altitude, different from said current altitude, for initiating a capture of said target altitude.

In view of the above, Applicants respectfully solicit reconsideration and withdrawal of the § 102(e) rejection.

### Conclusion

Based on the above, independent Claims 1, 19, and 27 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

This Amendment was not earlier presented because Applicants earnestly believed the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment Pursuant to 37 C.F.R. § 1.116 is respectfully requested.

Moreover, entry and consideration of this Amendment are proper under 37 C.F.R. § 1.116 for at least the following reasons. The Amendment overcomes all of the rejections and objections set forth in the above-noted Office Action. The Amendment places the application in better form for appeal, which Applicants fully intend to pursue if necessary. The present Amendment does not raise new issues requiring further search or consideration. Therefore, entry and consideration of the present Amendment are proper under 37 C.F.R. § 1.116 and are hereby requested.

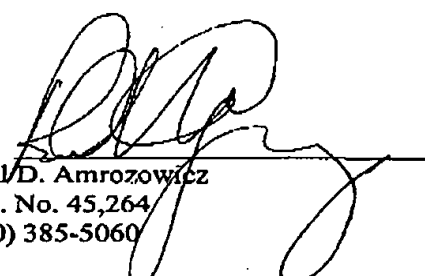
Hence, Applicants submit that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

Dated: November 24 2003

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